

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MATT DIFRANCESCO, ANGELA MIZZONI, and LYNN
MARRAPODI, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

UTZ QUALITY FOODS, INC.,

Defendant.

Civil Action No. 1:14-CV-14744-DPW

**DECLARATION OF ELISA ODABASHIAN IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Elisa Odabashian, declare as follows:

1. I am Director of the West Coast Office, Southwest Office and State Campaigns for Consumers Union of the United States, Inc. (“Consumers Union”), a not-for-profit organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code. I have personal knowledge of the facts contained in this declaration and, if called as a witness, would be competent to testify to them.

2. Consumers Union, the non-profit policy and advocacy arm of Consumer Reports, has a long history of working to protect consumers in the marketplace. Since its first issue in 1936, Consumer Reports has never accepted paid ads. Free from the pressures of advertisers and commercial influence, Consumer Reports has tackled some of the toughest safety issues of the time, evaluating new products and technologies, warning consumers about potential dangers and unfounded claims by advertisers, and fighting for accurate labeling, especially on products that contain potentially dangerous chemicals. Consumers Union has long been on the cutting edge of reporting risks and advocating for improvements in the quality and safety of the consumer marketplace. Its mission: to work for a fair, just, and safe marketplace for all consumers and to empower consumers to protect themselves. The organization was founded in 1936 when advertising first flooded the mass media. Consumers lacked a reliable source of information they could depend on to help them distinguish hype from fact and good products from bad ones. Since then Consumers Union, and its flagship publication, Consumer Reports, have filled that vacuum with a broad range of consumer information.

3. Consumers Union has four offices spread throughout the United States. It is headquartered in Yonkers, New York and has offices in Austin, Texas, Washington, D.C., and San Francisco, California. Consumers Union’s auto test track facility is located in Connecticut.

4. Consumers Union employs attorneys, policy analysts, grassroots organizers, researchers, media experts, and outreach specialists who advocate for consumer protections in the areas of financial services, food safety, product safety, health care, and clean energy. Consumers Union has received more than three dozen *cy pres* awards since the early 1980s, and is currently named as a *cy pres* recipient in five pending cases.

5. Consumers Union's advocates sponsor and weigh in on legislation, push for regulatory reforms, watchdog the implementation of new laws, run public education and marketplace campaigns, support and oppose state ballot measures, publish reports that highlight original research, and are trusted and much-consulted experts in the media. More than 1.5 million consumers have signed up to follow Consumers Union and take action on issues that impact them. Consumers Union's Share Your Story database empowers consumers to describe their experiences in the marketplace dealing with egregious and/or unsafe practices and products—or to describe their interactions with good corporate actors. Consumers Union works with the storytellers to develop and fact-check their stories and, with permission, provides them to reporters who are writing about a particular problem in the marketplace and to legislators who are looking for real-life "victims" of a particular problem their legislation is endeavoring to fix. People who share their stories become some of Consumers Union's most active and engaged volunteers.

6. The following are some examples of Consumers Union's efforts to combat misleading and confusing food labels in the marketplace, ensure that food labels are meaningful, educate consumers about genetically engineered foods, and protect the integrity of the "organic" label:

a. *Greener Choices* Website - <http://greenerchoices.org/>. Since its 1936 beginning, Consumers Union has been concerned about the safety of food. We fight for sweeping change and address the root causes of problems plaguing the food system, not the least of which is accurate food labeling. GreenerChoices.org informs, engages, and empowers consumers about environmentally friendly products and practices, and provides information to help consumers evaluate the truth and meaning of food and product labels.

b. *Not In My Food* Website - <http://notinmyfood.org>. Consumer Union's food advocacy website showcases our work to achieve a system that assures food is safe, affordable, and processed in a sustainable manner. In addition, Consumers Union works for clear and accurate labeling in all food products, including information regarding whether food ingredients contain genetically engineered organisms (GMOs), lead, chemicals and dangerous additives. The goal of Consumers Union's food work is to create a safer and more transparent food system for all people.

c. Other examples of Consumers Union's active role in promoting accurate food labeling, including the "natural" label, the "organic label," and labeling of products with GMO ingredients, include:

i. Peeling Back the 'Natural' Food Label,

<http://www.consumerreports.org/food-safety/peeling-back-the-natural-food-label/>

ii. Say no to 'natural' on food labels,

<http://www.consumerreports.org/cro/news/2014/06/say-no-to-natural-on-food-labels/index.htm>

iii. The Difference Between Labels on Organic and 'Natural' Foods,

<http://www.consumerreports.org/natural-foods/the-difference-between-labels-on-organic-and-natural-foods/>

iv. 'Natural' on food labels is misleading,

<http://www.consumerreports.org/cro/magazine/2014/08/natural-on-food-labels-is-misleading/index.htm>

v. The Trouble With Labels Like 'Natural' and 'All Natural',

<http://www.consumerreports.org/food-safety/the-trouble-with-labels-like-natural-and-all-natural/>

vi. Shine a Light on GMOs in Foods (Videos),

<http://www.consumerreports.org/video/view/healthy-living/food-nutrition/4629908453001/shine-a-light-on-gmos-in-food/>

vii. Why Food Labels Should Have GMO Information,

<http://www.consumerreports.org/cro/news/2014/04/food-labels-should-have-gmo-information/index.htm>

viii. GMO foods: What you need to know,

<http://www.consumerreports.org/cro/magazine/2015/02/gmo-foods-what-you-need-to-know/index.htm>

ix. Watch out for false claims in advertising,

<http://www.consumerreports.org/cro/news/2014/09/watch-out-for-false-claims-in-advertising/index.htm>

d. *Antibiotics In Meat*: Consumers Union is working to stop the overuse of antibiotics on farms in the production of food animals, which has led to the development of superbugs that make human medicines ineffective. Consumer Reports issued a report that

found more than 20 different labels in the marketplace pertaining to “antibiotic-free” meat, all of which are meaningless since there is no standard for such a label. Four of the labels found are illegal, and Consumers Union is working with USDA to go after those companies to remove such illegal claims from the marketplace, as well as working to set a standard for an antibiotics-free claim on meat. Here is some of the work that Consumers Union has produced on the antibiotics overuse issue:

- i. Making The World Safe From Superbugs,

<http://www.consumerreports.org/cro/health/making-the-world-safe-from-superbugs/index.htm>

- ii. Dangerous Overuse of Antibiotics (Videos),

<http://www.consumerreports.org/video/view/healthy-living/drugs-medication/4370005915001/dangerous-overuse-of-antibiotics/>

- iii. Tell Subway No Thanks to Antibiotics In Meat,

<http://www.consumerreports.org/cro/news/2015/06/tell-subway-no-thanks-to-antibiotics-in-meat/index.htm>

- iv. Consumer Reports Targets Antibiotic Resistant Superbugs,

<http://www.consumerreports.org/cro/news/2015/07/consumer-reports-targets-antibiotic-resistant-superbugs/index.htm>

7. Consumers Union does not plan a single, one-time use of the *cy pres* funds, but rather, a continuation of its consumer education work on food labels and to support its mission of protecting consumers from false advertising, as well as meeting the national demand by universities, academic societies and the media for fact-based research and surveys on genetically engineered food and foods labeled “organic” and “natural.”

8. In the event Consumers Union receives any Residual Funds from the Settlement, it will not use the Residual Funds for litigation or lobbying purposes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 16, 2017 at San Francisco, California.

By: 
ELISA ODABASHIAN